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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,054	12/16/2003	John R. Martin	14188US02	4764
23446	7590	09/05/2007	EXAMINER	
MCANDREWS HELD & MALLOY, LTD			JONES, SCOTT E	
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SUITE 3400			ART UNIT	PAPER NUMBER
CHICAGO, IL 60661			3714	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/737,054	MARTIN ET AL.	
	Examiner Scott E. Jones	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 June 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 18-33 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 and 34-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/2/06</u> | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-17 and 34-36, in the reply filed on June 25, 2007 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 7, 8, 9, 10, 11, 12, 15, 16, 17, 34, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Hankin et al. ("Hankin") (AU 199944623 B2).

Hankin discloses a system for remotely enabling a pool table having a console located near the pool table having a payment mechanism and a wireless communication capability, a pool table that communicates with the console via a wireless or wired network connection to control a ball release to permit play upon obtaining a predetermined payment. Hankin discloses:

Regarding claims 1, 10, and 35:

A pool table system that allows a user to play pool upon receipt of a playing fee, said system comprising:

- a pool table having a playing surface, rails, pockets, a ball holding rack that retains pool balls, and an activation-sensing unit (Abs., pp. 2-6, and 8); and
- a remote activation assembly having a processor operatively connected to a currency acceptor, wherein said remote activation assembly transmits an activation signal that is received by said activation-sensing unit when said processor detects receipt of the playing fee, and wherein said activation-sensing unit is operable to allow a user to access said

pool balls when said activation-sensing unit receives the activation signal (Abs., pp. 2-6, and 8).

Regarding claims 3, 11, and 34:

- wherein said activation-sensing unit is operatively connected to a gate (ball release means) positioned at an end of said holding rack, wherein said activation-sensing unit acts to open said gate when said activation-sensing unit receives said activation signal (Abs., pp. 2-6, and 8).

Regarding claims 4 and 12:

- wherein said currency acceptor is adapted to receive coins and bills (Abs., pp. 2-6, and 8).

Regarding claim 7:

- wherein at least one of said remote activation assembly and said activation-sensing unit further comprises an antenna that wirelessly receives power signals from a commercial radio station (Abs., pp. 2-6, and 8).

Regarding claims 8 and 16:

- wherein said activation signal is a radio frequency signal (Abs., pp. 2-6, and 8).

Regarding claims 9 and 17:

- wherein said pool table is one of a standard pool, billiards, bumper pool and snooker table (Abs., pp. 2-6, and 8).

Regarding claim 15:

- further comprising providing power to at least one of the remote activation assembly and activation-sensing unit through signals received from a commercial radio station (Abs., pp. 2-6, and 8).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 6, 13, 14, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hankin et al. ("Hankin") (AU 199944623 B2).

Hankin discloses that as discussed above with regards to claims 1, 3, 4, 7, 8, 9, 10, 11, 12, 15, 16, 17, 34, and 35. Hankin lacks explicitly disclosing:

Regarding claims 5 and 13:

- wherein said remote activation assembly is mounted on a wall.

Regarding claims 6 and 14:

- wherein said remote activation assembly is supported by a floor.

Regarding claim 36:

- wherein said game unit is at least one of a foosball table, an air hockey table, a basketball-based game, a football based game, and a hockey-based game.

However, Hankin does disclose that the remote activation assembly (console) is located near the pool table (pp. 2 and 4), thus, regarding claims 5, 6, 13, and 14, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to mount the console on a wall or support the console via the floor. Doing so would have been an obvious design consideration when locating the console in proximity to the pool tables. Moreover, locating the console on a wall or supporting the console via the floor would have been well within the guidelines and principles used by designers to design such a system.

Regarding claim 36, it was well-known to implement a remotely activated pool table. Thus, it would be equally obvious to implement Hankin's system in virtually any skill based game machine having some type of projectile (ball, disc, birdie, etc.).

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hankin et al. ("Hankin") AU 199944623 B2 in view of Paterson et al. ("Paterson") (U.S. 5,026,053).

Hankin discloses that as discussed above with regards to claims 1, 3, 4, 7, 8, 9, 10, 11, 12, 15, 16, 17, 34, and 35. Hankin lacks explicitly disclosing:

Regarding claim 2:

- ball return passages within said pool table that connect said pockets with said ball holding rack;
- a scoring processor; and
- a ball detection sensor in communication with said scoring processor and located proximate a portion of at least one of said ball return passages, wherein each of said pool balls includes an embedded detectable device, and wherein said ball detection sensor detects said embedded detectable devices as said pool balls pass by said ball detection sensor, and wherein said ball detection sensor relays a data signal to said scoring processor as said pool balls pass by said ball detection sensor.

In an analogous reference, Paterson teaches of a pool table having a computer controlled scoring and ball release mechanism. Paterson teaches the invention as described in claim 2. It would have been obvious to modify Hankin to have the features described in Paterson to further automate the billiard gaming system. One would want to do so to simplify scoring games for players and would facilitate determining winners and losers in a tournament type game minimizing a delay

between games so that the billiard gaming system operator could make a larger payout resulting from quicker game play.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott E. Jones/
Primary Examiner, Art Unit 3714

SEJ